

**MANDATE**  
**United States Court of Appeals**  
**For the First Circuit**

04-10688  
USDC MA  
✓ Gorton, N.

No. 08-1254

THEODUS JORDAN,  
Plaintiff, Appellant,

v.

BOSTON PUBLIC SCHOOLS,  
Defendant, Appellee,

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION,  
Defendant.

Before

Lynch, Chief Judge,  
Torruella and Howard, Circuit Judges.

JUDGMENT

Entered: February 13, 2009

After carefully considering the briefs and record on appeal, we affirm the judgment below.

The appellant argues that his claims of discriminatory hiring and firing were wrongly dismissed at summary judgment. We review *de novo*. Benoit v. Technical Mfg. Corp., 331 F.3d 166 (1st Cir. 2003).

Since the appellee produced evidence showing that the appellant had not performed adequately as a substitute teacher and was not qualified for the jobs he sought, the appellant could survive summary judgment only by producing some evidence that the appellee's reasons were pretexts and the real reasons were discriminatory. Vega v. Kodak Caribbean, Ltd., 3 F.3d 476 (1st Cir. 1993); Straughn v. Delta Air Lines, Inc., 250 F.3d 23 (1st Cir. 2001); Rodriguez-Cuervos v. Wal-Mart Stores, Inc. 181 F.3d 15 (1st Cir. 1999). He did not do so. Unsupported allegations and

speculation were not sufficient. Feliciano de la Cruz v. El Conquistador Resort & Country Club, 218 F.3d 1 (1st Cir. 2000). The appellant fails to support his remaining contentions with developed argumentation and citation to the record. United States v. Aviles-Colon, 536 F.3d 1, 27 (1st Cir. 2008).

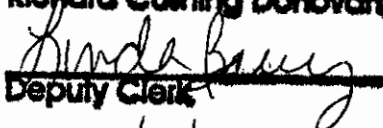
Affirmed. 1st Cir. Loc. R. 27.0.(c).

By the Court:

/s/ Richard Cushing Donovan, Clerk.

**Certified and Issued as Mandate  
under Fed. R. App. R 41.**

**Richard Cushing Donovan, Clerk**

  
**Deputy Clerk**

**Date:** 4/16/09

cc:

Andrea C. Alves Thomas  
Theodus Jordan